

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

Case No. 6:18-cr-60013

RYAN MATONE

DEFENDANT

ORDER

Before the Court is Defendant Ryan Matone's Motion to Suppress Evidence. ECF No. 35. The government has filed a response. ECF No. 39. On July 31, 2019, the Court held a hearing on the motion.¹ The matter is ripe for the Court's consideration.

I. BACKGROUND

Defendant is charged with multiple counts of distributing methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B)(viii). ECF No. 11.

After a series of controlled purchases of methamphetamine from Defendant Ryan Matone, investigators executed a search warrant at 3140 Albert Pike Road in Garland County, Arkansas.² The search warrant was issued for "the premises known as 3140 Albert Pike Road." Exh. 8. The warrant described both "a gray building . . . with the business name 'Albert Pike Auto Sales' displayed on it" and "a metal garage, light tan in color just behind, (south of) the mentioned gray building." Exh. 8. The warrant stated that its scope included "the residence, any occupants, vehicles, trailers, storage buildings, workshops/garage's [sic], safes and/or lock boxes, cell phones, and computers in the residence or on the curtilage of the property." Exh. 8.

Matone is not the owner of the property, but he admitted to renting the gray building. There

¹ At the hearing, the government offered into evidence the testimony of Investigator Paul Pruitt and nine numbered exhibits. Defendant Ryan Matone also testified.

² Some of the controlled purchases took place on this property.

was some evidence that led investigators to believe that Matone was residing in the gray building. In executing the search warrant, investigators searched both the gray building and the metal garage and a vehicle.³ Investigators seized evidence from various locations, including 244.1 grams of methamphetamine hidden in a moped located inside the metal garage. The investigators found Matone standing with his keys in the door of the metal garage (*see* Exh. 3), and they took him into custody.

In his motion, Matone seeks suppression of “any evidence seized from any building other than 3140 Albert Pike Road.” ECF No. 35, ¶ 7. Defendant’s position rests on the assertion that the search warrant authorized a search of only one building and that a search of any other building went beyond the scope of the warrant. Matone testified that he understood 3140 Albert Pike Road to be a building on the property with green trim that was not searched. Matone further testified that he understood the gray building to be “3138 Albert Pike Road.” The government argues that the metal garage was properly searched because it was specifically mentioned in the search warrant’s description of the place to be searched and again in the scope of what was to be searched.

II. DISCUSSION

The Fourth Amendment provides that warrants must describe with particularity the places to be searched. *United States v. Pennington*, 287 F.3d 739, 744 (8th Cir. 2002). “The authority to search granted by any warrant is ‘limited to the specific places described in it and does not extend to additional or different places.’” *Id.* (quoting *United States v. Alberts*, 721 F.2d 636, 639 (8th Cir. 1983)). “When a warrant ‘specifically mentions’ certain structures, it ‘authorizes a search of these structures and, by implication, any other vehicles, structures, or property not noticeably separate from them.’” *Id.* at 744-45 (quoting *United States v. Schroeder*, 129 F.3d 439, 441-42

³ The metal garage is described in the warrant as “light tan in color [located] just behind, (south of) the mentioned gray building.” Exh. 8.

(8th Cir. 1997)); *see also United States v. Dunn*, 723 F.3d 919, 929 (8th Cir. 2013).

In the instant case, the warrant identified the premises to be searched as “3140 Albert Pike Road” and then named specific structures on the property—“a gray building . . . with the business name ‘Albert Pike Auto Sales’ displayed on it” and a “metal garage, light tan in color just behind, (south of) the mentioned gray building.” Because the gray building and metal garage were specifically described in the search warrant, investigators were authorized to search there. *See Pennington*, 287 F.3d at 744-45 (holding that a box trailer and metal outbuilding were lawfully searched because the structures were specifically named in the search warrant). Further, both structures were properly searched because the warrant clearly stated that its scope included, among other things, the residence, storage buildings and workshops/garages.

Moreover, when a search warrant describes the place to be searched as “the premises” or “the property” and lists an address, the warrant authorizes a search of any building found on the premises. *Id.* at 744. In the instance case, the warrant described the place to be searched as “the premises known as 3140 Albert Pike Road.” The government entered into evidence Garland County tax records which show that both the gray building and metal garage, along with other structures, are located on the same plot of land identified as 3140 Albert Pike Road. Because the gray building and metal garage are located on the premises of 3140 Albert Pike Road, the warrant authorized a search of the gray building and the metal garage.

III. CONCLUSION

Upon consideration, the Court finds that the search warrant authorized the search of the metal garage. Accordingly, Defendant’s Motion to Suppress Evidence (ECF No. 35) is **DENIED**.

IT IS SO ORDERED, this 6th day of August, 2019.

/s/ Susan O. Hickey
 Susan O. Hickey
 Chief United States District Judge